IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Appeal No. 122 OF 2007
IN
Chamber Summons No. 1595 of 2006
in
Execution application NO. 619 OF 2006
in
Summary Suit NO. 1523 of 2002

R. C. H. Barar Trading & Co. & anr. ... Appellants
vs.
Ashish K. Thakur . . . . Respondent

Mr. K. G. Munshi with Ms. Deepali Thakore i/b. Rustamji & Ginwalla for appellant.
Mr. Tushar Bhavsar i/b. M/s. Ranjit & Co., for respondent.

CORAM: R.M.S. KHANDEPARKAR
AND
D. G. KARNIK JJ.

DATE: March, 26, 2007

P.C.:

1. Heard. Admit.
2. Mr. Tushar Bhavsar waives service for the respondent. By consent the impugned order is set aside and the matter is remanded to the learned Single Judge. Parties agree that the Chamber Summons No. 1595 of 2006 to be treated as a notice under Order XXI Rule 22 of Code of Civil Procedure and the learned Single Judge to hear the matter. It is made clear that this court has not expressed any opinion on any of the points sought to be raised in the matter. Appellant to

file reply to the Chamber Summons, within 15 days. Meanwhile, the appellant shall maintain status quo in relation to the property which has been the subject matter of the Chamber Summons. Appeal accordingly stands disposed of in the above terms, with no order as to costs.

3. In view of the disposal of the appeal notice of motion no. 832 of 2007 does not survive and is disposed of accordingly.

(R.M.S. KHANDEPARKAR J.)

(D. G. KARNIK J.)